

HOUSE BILL 193

D3

0lr0333
CF SB 13

By: **Delegate Rosenberg**

Introduced and read first time: January 22, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Proceedings – Foreign Defamation Judgments – Enforceability and**
3 **Bases of Personal Jurisdiction**

4 FOR the purpose of authorizing a court in this State to exercise personal jurisdiction
5 for certain purposes and under certain circumstances over a certain person who
6 obtains a certain foreign defamation judgment; prohibiting recognition of
7 certain foreign judgments; establishing that certain foreign defamation
8 judgments may not be recognized in this State unless a certain court makes a
9 certain determination; authorizing a court to award costs and reasonable
10 attorney's fees to a party opposing recognition or enforcement of a certain
11 foreign judgment; defining a certain term; and generally relating to
12 enforceability of certain foreign judgments and personal jurisdiction over
13 certain persons who obtain certain foreign judgments.

14 BY adding to

15 Article – Courts and Judicial Proceedings
16 Section 6–103.3
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2009 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Courts and Judicial Proceedings
21 Section 10–704
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2009 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **6-103.3.**

2 (A) IN THIS SECTION, "DEFAMATION" INCLUDES INVASION OF PRIVACY
3 BY FALSE FACTS.

4 (B) A COURT MAY EXERCISE PERSONAL JURISDICTION, TO THE
5 FULLEST EXTENT PERMITTED BY THE UNITED STATES CONSTITUTION, OVER
6 ANY PERSON WHO OBTAINS A JUDGMENT IN A DEFAMATION PROCEEDING
7 OUTSIDE THE UNITED STATES AGAINST ANY PERSON WHO IS A RESIDENT OF
8 THIS STATE OR IS OTHERWISE SUBJECT TO JURISDICTION IN THIS STATE FOR
9 THE PURPOSE OF PROVIDING DECLARATORY RELIEF WITH RESPECT TO THAT
10 PERSON'S LIABILITY FOR THE JUDGMENT OR DETERMINING WHETHER THE
11 JUDGMENT SHOULD NOT BE RECOGNIZED UNDER § 10-704 OF THIS ARTICLE IF
12 THE RESIDENT OR PERSON SUBJECT TO JURISDICTION IN THIS STATE:

13 (1) HAS ASSETS IN THIS STATE THAT MIGHT BE USED TO SATISFY
14 THE FOREIGN DEFAMATION JUDGMENT; OR

15 (2) MAY HAVE TO TAKE ACTIONS IN THIS STATE TO COMPLY WITH
16 THE FOREIGN DEFAMATION JUDGMENT.

17 10-704.

18 (A) IN THIS SECTION, "DEFAMATION" INCLUDES INVASION OF PRIVACY
19 BY FALSE FACTS.

20 [(a)] (B) A foreign judgment is not conclusive if:

21 (1) The judgment was rendered under a system which does not provide
22 impartial tribunals or procedures compatible with the requirements of due process of
23 law;

24 (2) The foreign court did not have personal jurisdiction over the
25 defendant;

26 (3) The foreign court did not have jurisdiction over the subject matter;
27 or

28 (4) The judgment was obtained by fraud.

29 (b) A foreign judgment [need] MAY not be recognized if:

30 (1) The defendant in the proceedings in the foreign court did not
31 receive notice of the proceedings in sufficient time to enable him to defend;

1 (2) The cause of action on which the judgment is based is repugnant to
2 the public policy of the State;

3 (3) The judgment conflicts with another final and conclusive
4 judgment;

5 (4) The proceeding in the foreign court was contrary to an agreement
6 between the parties under which the dispute was to be settled out of court; [or]

7 (5) In the case of jurisdiction based only on personal service, the
8 foreign court was a seriously inconvenient forum for the trial of the action;

9 **(6) THE CAUSE OF ACTION RESULTED IN A DEFAMATION**
10 **JUDGMENT OBTAINED IN A JURISDICTION OUTSIDE THE UNITED STATES,**
11 **UNLESS THE COURT BEFORE WHICH THE MATTER IS BROUGHT IN THIS STATE**
12 **FIRST DETERMINES THAT THE DEFAMATION LAW APPLIED IN THE FOREIGN**
13 **JURISDICTION PROVIDES FOR AT LEAST AS MUCH PROTECTION FOR FREEDOM**
14 **OF SPEECH AND THE PRESS AS IS PROVIDED BY BOTH THE UNITED STATES**
15 **CONSTITUTION AND THE MARYLAND CONSTITUTION; OR**

16 **(7) THE CAUSE OF ACTION RESULTED IN A DEFAMATION**
17 **JUDGMENT ENTERED AGAINST THE PROVIDER OF AN INTERACTIVE COMPUTER**
18 **SERVICE, AS DEFINED IN 47 U.S.C. § 230, UNLESS THE COURT BEFORE WHICH**
19 **THE MATTER IS BROUGHT IN THIS STATE DETERMINES THAT THE JUDGMENT IS**
20 **CONSISTENT WITH 47 U.S.C. § 230.**

21 **(C) IN ANY ACTION BROUGHT IN A COURT OF THIS STATE UNDER §**
22 **6-103.3 OF THIS ARTICLE OR TO ENFORCE A FOREIGN JUDGMENT, THE COURT**
23 **MAY AWARD THE PARTY OPPOSING RECOGNITION OR ENFORCEMENT OF THE**
24 **FOREIGN JUDGMENT, IF THE PARTY PREVAILS IN THE ACTION ON A GROUND**
25 **SPECIFIED IN THIS SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.